

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

COMMODITY FUTURES TRADING COMMISSION,

Plaintiff,

v.

RATHNAKISHORE GIRI; SR PRIVATE EQUITY, LLC;
AND NBD EIDETIC CAPITAL, LLC

Defendants,

and

GIRI SUBRAMANI AND LOKA PAVANI GIRI

Relief Defendants.

Civil Action No. 2:22-cv-03091-ALM-KAJ

Hon. Algenon L. Marbley
Hon. Kimberly A. Jolson

**PLAINTIFF'S APPLICATION FOR
ENTRY OF DEFAULT AGAINST
DEFENDANTS AND RELIEF
DEFENDANTS**

Plaintiff, U.S. Commodity Futures Trading Commission (“Commission” or “CFTC”), pursuant to Federal Rule of Civil Procedure 55(a), respectfully requests that the Clerk of the Court enter defaults against Defendants Rathnakishore Giri (“Giri”), SR Private Equity, LLC (“SR Private Equity”) and NBD Eidetic Capital, LLC (“NBD Eidetic”) (collectively, “Defendants”), and against Relief Defendants Giri Subramani and Loka Pavani Giri (collectively, “Relief Defendants”). In support of this request the CFTC submits the Declaration of Karen Kenmotsu (Exhibit A) and states as follows:

1. On August 11, 2022, the CFTC filed the complaint in this action against the Defendants and Relief Defendants. (*See* ECF 1).

2. On August 23, 2022, Relief Defendants Giri Subramani and Loka Pavani Giri were served with the copies of the (1) Summons, (2) Complaint and (3) Notice of Appearance of Luke Marsh in the above-entitled case. (*See* Kenmotsu Declaration at ¶ 4; ECF Nos. 7,8).

3. On August 23, 2022, the CFTC sent copies of the (1) Complaint, (2) Notice of Lawsuit and Request to Waive Service of a Summons and (3) Waiver of Service of Summons Form to Defendants Giri, NBD Eidetic and SR Private Equity. (*See* Kenmotsu Declaration at ¶ 5).

4. On September 3, 2022 Defendants waived service of summons and the executed waiver of service was received by the CFTC on September 6, 2022, as reflected on the docket sheet and the filed Waivers of Summons. (*See* Kenmotsu Declaration at ¶ 6; ECF Nos. 9-11).

5. On or about August 23, 2022 Plaintiff CFTC agreed to allow Relief Defendant Giri Subramani the same amount of time as Defendant Rathnakishore Giri to file his answer. (*See* Kenmotsu Declaration at ¶ 7).

6. Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A)(ii), the Defendants were required to serve their answers or otherwise respond to the Commission's Complaint within 60 days from August 23, 2022, the date that the CFTC sent the request for the waiver of summons. That deadline expired on October 24, 2022.

7. To date, the Defendants and the Relief Defendants have not filed an answer or otherwise responded in this matter. (*See* Kenmotsu Declaration ¶ 9).

8. Defendants, including the Relief Defendants, are neither incompetent, minors, nor on active military duty with any branch of the United States military service. (*See* Kenmotsu Declaration ¶ 10).

9. Accordingly, a default should be entered against each of the Defendants Giri, NBD Eidetic, SR Private Equity and Relief Defendants Giri Subramani and Loka Pavani Giri by the Clerk of the Court pursuant to Federal Rule of Civil Procedure 55(a) (“When a party against whom a judgment for affirmative relief is sought and has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.”)

10. WHEREFORE, Plaintiff U.S. Commodity Futures Trading Commission respectfully requests that the Clerk enter a default against Defendants Rathnakishore Giri, NBD Eidetic, SR Private Equity, and Relief Defendants Giri Subramani and Loka Pavani Giri.

Dated: October 31, 2022

Respectfully Submitted,

**COMMODITY FUTURES TRADING
COMMISSION**

By: 
Trial Attorney
(Appearing pursuant to Local Rule 83.3(c)(3))
NY Bar No. 2599306
Commodity Futures Trading Commission
1155 21st St. N.W.
Washington, D.C. 20581
Telephone: (202) 418-5120
E-mail: kkenmotsu@cftc.gov
Luke B. Marsh
(Appearing pursuant to Local Rule 83.3(c)(3))
Chief Trial Attorney
DC Bar No. 475635
Commodity Futures Trading Commission
1155 21st St. N.W.
Washington, D.C. 20581
Telephone: (202) 418-5322
E-mail: lmarsh@cftc.gov

ATTORNEYS FOR PLAINTIFF
COMMODITY FUTURES TRADING
COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2022, I filed a copy of the following documents with the Clerk of the Court via the CM/ECF system: (1) Plaintiff's Application for Entry of Default Against All Defendants and the Relief Defendants, (2) Declaration of Karen Kenmotsu (Exhibit A) and (3) Proposed Entry of Default.

I further certify that on October 31, 2022, I caused service of the foregoing documents to be made via UPS and email to the following parties:

1. Rathnakishore Giri
6481 Summers Nook Drive,
New Albany, OH 43054
Rathnakishore.giri@gmail.com
2. NBD Eidetic, LLC
c/o Rathnakishore Giri
6481 Summers Nook Drive,
New Albany, OH 43054
Rathnakishore.giri@gmail.com
3. SR Private Equity, LLC
c/o Rathnakishore Giri
6481 Summers Nook Drive,
New Albany, OH 43054
Rathnakishore.giri@gmail.com
4. Giri Subramani
6481 Summers Nook Drive,
New Albany, OH 43054
sdgiri46@gmail.com
5. Loka Pavani Giri
6481 Summers Nook Drive,
New Albany, OH 43054
dynatech4006@gmail.com

Dated: October 31, 2022

/s/ Karen Kenmotsu
Karen Kenmotsu
Attorney for Plaintiff
Commodity Futures Trading Commission